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**(2008) 10 AHC CK 0027**

**In the Allahabad High Court**

**Case No : C.M.W.P. No's. 49018 and 50989 of 2008**

Tarun Verma

APPELLANT

Vs

Vice-Chancellor, Banaras Hindu University and Others

RESPONDENT

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**Date of Decision : 21-10-2008**

**Acts Referred:**

**Citation : (2008) 6 AWC 6385**

**Hon'ble Judges : D.P. Singh, J**

**Bench : Single Bench**

**Advocate :** Subhash Gosain, for the Appellant; V.K. Singh, Dinesh Kakker, Pankaj Naqvi and Arun Prakash, for the Respondent

**Final Decision : Allowed**

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## **Judgement**

D.P. Singh, J.—Heard learned Counsel for the Petitioner, Shri V.K. Singh, learned senior advocate and Shri Dinesh Kakker for the Respondents.

2. The Petitioner is a student of Banaras Hindu University, Varanasi (hereinafter referred to as the University) and had been nominated for the award of Gold Medal by the University. He appeared for his M. Sc. (Agriculture) Examination held by the University for the academic session 2007-2008 and was declared to have passed it when the results were declared on 7.7.2008. Before the results could be declared the University invited applications for admission to its Ph.D. programme through a Common Research Entrance Test, 2008 (hereinafter referred to as the C.R.E.T.) and accordingly, issued an information Bulletin on 8.5.2008. The Petitioner applied for admission to the programme in the discipline of Animal Husbandry and Dairying. The entrance test was held on 24.6.2008 and the result was declared on 25.8.2008 and having been declared successful, he was called for counselling/interview to be held between 10th to 12th September, 2008.

3. Apprehending that he would not be considered for the programme as his M. Sc. result had been declared after 30th June, 2008, he earlier preferred Writ

Petition No. 47197 of 2008. However, this Court, upon the argument of the University that as the Petitioner has been called for counselling, it would not be appropriate to prejudge the issue, rejected it on 10.9.2008.

4. The Petitioner appeared for the counselling on 10.9.2008 alongwith his certificates but his candidature was not considered and he was not allowed to take part in the counselling or the interview only on the ground that his M. Sc. examination result had been declared after 30.6.2008.

5. It is urged on his behalf that the result of his qualifying examination viz.M. Sc. had been declared before the commencement of the semester and, therefore, in accordance to the Ordinance the Petitioner's candidature could not have been rejected.

6. It is common ground that the result of the Petitioner was declared by the University itself on 7.7.2008 and by that time the first semester of the Ph.D. programme had not begun and in fact the process of admission was still on. However, learned Counsel for the University has relied upon the Information Bulletin to contend that the candidates whose result of the qualifying examination had been declared later than 30.6.2008 could not be considered. He has relied upon the following portion of Information Bulletin:

Registration shall be done as per norms decided by the Academic Council of the University from time to time provided the result of the qualifying examination is declared on or before the start of the Semester. Thus, for admission to July, 2008 Semester the results of the qualifying examinations should be declared on or before 30th June, 2008.

7. It is evident from the said provision that the substantial requirement for being considered for the programme is that before the start of the semester the result of the qualifying examination of the candidate should have been declared. The latter part dealing with declaration of result before 30th June, 2008 only clarifies the substantial part which mandates that the results should have been declared before the "start of the semester" this position is also in consonance with the Ordinances dealing with admissions. The relevant portion reads as under:

II. Application for admission

II. There shall be two semesters of six months each in a year for the Ph. D. Programme, namely,

Od Semester-July to December

Even Semester - January to June

II.2. A candidate may be admitted for the Ph.D. Programme at the beginning of any semester provided the result of the qualifying examination is declared before the commencement of the semester and he/she fulfils the eligibility criteria laid down in these Ordinances.

8. A bare reading of the Ordinance clarifies the position that the result of the qualifying examination has to be declared before the "commencement of the semester". It is nobody's case that the semester had commenced prior to 7.7.2008.

9. There appears to be a purpose for result of the qualifying examination to be declared before the start of the semester because it is to be seen that he has secured minimum of 50 marks in his academic record in accordance with the formula provided in Part III of the Ordinances governing the award of the degree at III. 1 (b). Thus, at best it could be said that the results have to be declared prior to the counselling for the admissions. Therefore, taking any of the aforesaid views, the stand of the University cannot be accepted.

10. It is also interesting to notice that the Petitioner was a M. Sc. student of the University where the prospectus of studies and Ordinances governing the grant of M. Sc. Degrees itself fixes 30th June of the year as the last date for submission of the thesis. If that is so, it would have been nearly impossible to declare the M. Sc. result prior to 30th June of the year and thus, in a way, excluding its own students from seeking admission to the Ph.D. programme in the odd semester because the University insists on declaration of the result of the qualifying examination on or before 30th June of the year as provided for in the information booklet of the C.R.E.T. results.

11. In view of the discussions hereinabove, this petition succeeds and is allowed and the Respondent University is directed to consider the candidature of the Petitioner for his Ph.D. programme and declare his results of the counselling together with that of the other students. On the facts of this case, no order as to costs.